

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MINERGY NEENAH, LLC,

Plaintiff,

v.

Case No. 05-C-1181

ROTARY DRYER PARTS, INC.
formerly known as Charles Brown Company,
BURLINGTON INSURANCE COMPANY,
QUALITY MECHANICAL, INC., and
CINCINNATI INSURANCE COMPANY

Defendant.

ORDER TO SHOW CAUSE

Upon review of the above matter, it appears there is reason to question whether subject matter jurisdiction exists in the above matter. Jurisdiction is asserted under 28 U.S.C. § 1332(a) based upon diversity of citizenship. The complaint alleges that Plaintiff Minergy Neenah, LLC (“Minergy”), is a Wisconsin limited liability company with its place of business located in Neenah, Wisconsin. However, Seventh Circuit law is clear that a limited liability company derives its citizenship from the citizenship of its members. *See Belleville Catering Co. v. Champaign Market Place, LLC*, 350 F.3d 691, 692 (7th Cir. 2003). To determine the citizenship of a limited liability company, “[a] federal court thus needs to know each member's citizenship, and if necessary each member's members' citizenships.” *Hicklin Engineering, L.C. v. Bartell*, 439 F.3d 346, 348 (7th Cir. 2006). Absent such information, it is impossible to determine whether complete diversity of citizenship exists. To proceed without such knowledge can result in a waste of time and resources

for both the court and the parties, since subject matter jurisdiction cannot be waived and can be raised *sua sponte* even on appeal. *See Belleville Catering*, 350 F.3d at 693-94. In fact, “not only may the federal courts police subject matter jurisdiction *sua sponte*, they must.” *Hay v. Indiana State Bd. of Tax Com. Rs.*, 312 F.3d 876, 879 (7th Cir. 2002.)

Based upon the foregoing, **IT IS HEREBY ORDERED** that within the next twenty days plaintiff shall file a jurisdictional statement with the court setting forth the name and state(s) of citizenship of its members/owners. Failure to do so will result in a dismissal of this action for lack of subject matter jurisdiction.

Dated this 29th day of March, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge